



### **Privacy Notice (How we use workforce information)**

This notice explains what personal data (information) we hold about you, and how we collect, use and may share information about you. We are required to give you this information under data protection law.

Preston Primary Academy Trust is the 'data controller' for the purposes of data protection law. Our Data Protection Officer (DPO) is Amy Brittan (see 'Contact' below).

#### **The personal data we hold about you**

We hold some personal information about you when you are employed at a school in our Trust.

This includes:

- Name, date of birth, address, emergency contact details
- Employee or teacher number, proof of right to work, national insurance number and bank details
- Characteristics information (such as gender, age, ethnic group)
- Contract information (such as start date, hours worked, post, roles, salary information, training record and performance management)
- Work absence information (such as number of absences and reasons)
- Qualifications and references (and, where relevant, subjects taught)
- Relevant medical information
- Photographs
- CCTV images if applicable to your setting
- If you hold a key fob, we will be able to identify your movements around the school (we will only do this for the purpose of locating lost fobs, and will not routinely monitor your activity on site)

This list is not exhaustive. To access the current list of categories of information we process please request to see our data asset audit by contacting the Trust.

## Why we use this data

We use this data to help run the school and Trust including to:

- maintain accurate and up-to-date employment records and contact details (including details of emergency contacts)
- enable individuals to be paid
- support pension payments and calculations
- run recruitment processes
- operate and keep a record of disciplinary and grievance processes to ensure acceptable conduct in the workplace
- operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes
- obtain occupational health advice, to ensure that we meet obligations under health and safety law, and ensure that employees are fit to work
- operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the organisation complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled
- ensure effective general HR and business administration
- provide references on request for current or former employees
- respond to and defend against legal claims
- inform financial audits of the Trust
- inform national workforce policy monitoring and development
- provide information to local government as required by law in the event of a public health emergency

## Our legal basis for using this data

Under the UK General Data Protection Regulation (UK GDPR), the lawful basis we rely on for processing workforce information are:

- *Article 6 (b) Contract*: the processing is necessary because we have a contract with you and we need to process your personal information to comply with your contract
- *Article 6 (c) Legal obligation*: the processing is necessary for us to comply with the law; we are required to share information about our workforce members under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments
- *Article 6 (e) Public Task*: we may collect information from you where it is necessary to perform a task in the public interest e.g. taking temperature data

on site and / or sharing staff data with the local authority in the event of a public health emergency

- *Article 6 (f) Legitimate interests*: we rely on having a legitimate reason as your employer to collect and use your personal information, and to comply with our statutory obligations
- *Article 9 (g) Substantial public interest* for special category data
- For some data processing where there is no legal obligation, contract or legitimate interest for the Trust to collect and use the data, we will ask for your consent under *Article 6 (1) (a) Consent*: the individual has given clear consent for us to process their personal data for a specific purpose
- We may also share your information if we need to protect your *vital interests* (or someone else's interest) e.g. in a life or death situation we may share information with healthcare professionals

We will process special categories of personal data for lawful reasons only, including because:

- you have given us your explicit consent to do so, in circumstances where consent is appropriate
- it is necessary to protect your or another person's vital interests, for example, where you have a life-threatening accident or illness in the work-place and we have to share your medical data in order to ensure you receive appropriate medical attention
- it is necessary for some function in the substantial public interest, including the safeguarding of children or vulnerable people, or as part of a process designed to protect others from malpractice, incompetence or unfitness in a role (or to establish the truth of any such allegations)
- it is necessary for the establishment, exercise or defence of legal claims, such as where any person has brought a claim or serious complaint against us or you

Public Health England also has special permission from the Secretary of State for Health and Social Care to use personally identifiable information without your permission where this is in the public interest. This is known as 'Section 251' approval. The part of the law that applies here is Section 251 of the National Health Service Act 2006 and the associated Health Service (Control of Patient Information) Regulations 2002.

Some of the reasons listed above for collecting and using your information overlap, and there may be several grounds which mean we can use your data.

Where we have got your consent to use your data, you may withdraw this at any time. We will make this clear when we ask for your consent and explain how to go about withdrawing consent.

## **Collecting this information**

We may collect information about you in a number of ways:

- from the information you provide to us in connection with a job application, for example when you come for an interview
- when you submit a formal application to work for us, and provide your personal data in application forms and covering letters etc
- from third parties, for example the Disclosure and Barring Service (DBS) and referees (including your previous or current employers or school), or (if you are a contractor or a substitute) your own employer or agent, in order to verify details about you and/or your application to work for us
- as a result of your employment, we may generate data in relation to appraisals, grievances and disciplinary and safeguarding incident investigations
- we may also ask you to update your contact details at regular intervals

To comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

## **Data sharing**

For the most part, personal data collected will remain within the Trust and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis).

We do not share information about our workforce members with anyone without consent unless the law and our policies allow us to do so.

We may routinely share information with:

- professional advisers (e.g. lawyers, insurers, HR advisers and accountants)
- other employees, agents and contractors (e.g. third parties processing data on our behalf as part of administering payroll services, the provision of benefits including pensions, IT etc. – although this is not sharing your data in a legal sense, as these are considered data processors on our behalf)
- when the Trust is legally required to do so (by court order, government body, law enforcement agency or other authority of competent jurisdiction), for example, Somerset Local Authority, the DfE, Ofsted, HMRC, DBS, the police
- we may share personal data with future employers as part of a reference
- we may share images of staff on promotional material, on our website, on social media and with other media outlets if we have your prior consent

All employees are reminded that the school is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record or report incidents and concerns related to child safeguarding that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This may include file notes within the employee and safeguarding files, and in some cases referrals to relevant authorities such as the police. For further information about this, please view the Trust's Safeguarding Policy

### **International transfers of personal data**

We have audited where we store all the personal data processed in the school/Trust and by third party services. If a third-party service stores data in the EU or US, we have ensured that safeguards such as standard contractual clauses are in place to allow the safe flow of data to and from the school.

### **How we store this data**

We hold workforce data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. This is likely to be 6 years after you cease working at the school.

We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality. We also have procedures in place to deal with any suspected data security breach. We will notify you and the Information Commissioner's Office of a suspected data security breach where we are legally required to do so.

### **How Government uses your data**

The workforce data that we lawfully share with the Department for Education (DfE) through data collections:

- informs the Department for Education (DfE) policy on pay and the monitoring of the effectiveness and diversity of the workforce
- links to school funding and expenditure
- supports 'longer term' research and monitoring of educational policy

To find out more about the data we share with the DfE go to

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The Department for Education (DfE) may share information about employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

Decisions on whether the DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of public benefit, proportionality, legal underpinning and strict information security standards.

For more information about the Department for Education's (DfE) data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the Department for Education (DfE) has provided information, (and for which project) please visit the following website: <https://www.gov.uk/government/publications/dfe-external-data-shares>

To request a copy of the personal data held about you by the DfE, you should make a subject access request (SAR). Further information on how to do this can be found within the DfE's personal information charter:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

or

<https://www.gov.uk/government/publications/requesting-your-personal-information/requesting-your-personal-information#your-rights>

To contact the DfE: <https://www.gov.uk/contact-dfe>

## **Your rights**

You also have the following rights:

- the right to be informed about the collection and use of your personal data – this is called 'right to be informed'.
- the right to ask us for copies of personal information we have about you – this is called 'right of access', this is also known as a subject access request, data subject access request or right of access request.

- the right to ask us to change any information you think is not accurate or complete – this is called ‘right to rectification’.
- the right to ask us to delete your personal information – this is called ‘right to erasure’
- the right to ask us to stop using your information – this is called ‘right to restriction of processing’.
- the ‘right to object to processing’ of your information, in certain circumstances
- rights in relation to automated decision making and profiling.
- the right to withdraw consent at any time (where relevant).
- the right to [complain to the Information Commissioner](#) if you feel we have not used your information in the right way.

There are legitimate reasons why we may refuse your information rights request, which depends on why we are processing it. For example, some rights will not apply:

- right to erasure does not apply when the lawful basis for processing is legal obligation or public task.
- right to portability does not apply when the lawful basis for processing is legal obligation, vital interests, public task or legitimate interests.
- right to object does not apply when the lawful basis for processing is contract, legal obligation or vital interests. And if the lawful basis is consent, you don’t haven’t the right to object, but you have the right to withdraw consent.

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner’s Office at [raise a concern with ICO](#)

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the ‘How Government uses your data’ section of this notice.

## **Complaints**

We take any complaints about how we collect and use your personal data very seriously, so please let us know if you think we’ve done something wrong.

You can make a complaint at any time by contacting our Data Protection Officer.

You can also complain to the Information Commissioner’s Office in one of the following ways:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## **Contact**

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our Data Protection Officer:

[dposchools@somerset.gov.uk](mailto:dposchools@somerset.gov.uk)

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## **Appendix**

### **How the Department for Education (DfE) uses your data**

The DfE collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our children and young people with the DfE for the purpose of those data collections, under:

We are required to share information about our school employees with the DfE under Section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

All data is transferred securely and held by the DfE under a combination of software and hardware controls which meet the current [government security policy framework](#).

For privacy information on the data the DfE collects and uses, please see: <https://www.gov.uk/government/publications/privacy-information-education-providers-workforce-including-teachers>.

The workforce data that we lawfully share with the DfE through data collections:

- informs the DfE policy on pay and the monitoring of the effectiveness and diversity of the school workforce
- links to school funding and expenditure
- supports 'longer term' research and monitoring of educational policy

### **Data collection requirements**

To find out more about the data collection requirements placed on us by the DfE including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

### **Sharing by the DfE**

The DfE may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The DfE will only share your personal data where it is lawful, secure and ethical to do so and has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether the DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of public benefit, proportionality, legal underpinning and strict information security standards.

For more information about the DfE data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the DfE has provided information, (and for which project) please visit the following website:

<https://www.gov.uk/government/publications/dfe-external-data-shares>

## **How to find out what personal information the DfE hold about you**

Under the terms of UK GDPR, you're entitled to ask the DfE:

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the DfE, you should make a 'subject access request'. Further information on how to do this can be found within the DfE's personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

or

<https://www.gov.uk/government/publications/requesting-your-personal-information/requesting-your-personal-information#your-rights>

To contact the DfE: <https://www.gov.uk/contact-dfe>

